

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

IRA B. HARRIS,

Plaintiff,

v.

GARY KEMPER,

Defendant.

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No. 1:15CV140 SNLJ

MEMORANDUM AND ORDER

Plaintiff moves for a temporary restraining order and preliminary injunction. He seeks appropriate and effective treatment for his psychological disorders.

To determine whether preliminary injunctive relief is warranted, the Court must balance threat of irreparable harm to movant, the potential harm to nonmoving party should injunction issue, the likelihood of success on merits, and the public interest. *Dataphase Sys. v. CL Sys.*, 640 F.2d 109, 113-14 (8th Cir. 1981) (en banc).

The motion is denied without prejudice because plaintiff has not shown a likelihood of success on the merits. His complaint does not state a claim for relief, and the Court has instructed him to file an amended complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for a temporary restraining order [ECF No. 5] is **DENIED** without prejudice.

Dated this 6th day of August, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE